

REMARKS

Review and reconsideration on the merits are respectfully requested.

In paragraphs 2-6 at pages 2-3, claims 2-3 and 7-9 were held to be indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention under 35 USC 112, second paragraph.

Applicants respectfully request entry of the proposed amendment to claims 2-3 and 7-9 shown above, indicating more clearly the subject matter of the invention. It is submitted that any perceived grounds of ambiguity have been addressed by these clarifying amendments.

Besides, the Examiner will kindly note the amendments to claims 1 and 6, made so as to more clearly describe the subject matter as the invention.

It is apparent that the clarifying amendments to claims 2-3 and 6-9 do not narrow claim scope in any manner. As to claim 1, an inner layer of the multilayer PSA is now expressly recited; in view of the fact that claim 1 defined the PSA layer as multilayer and defined the outermost layer as indicated, it is submitted that the amendment to claim 1 is clarifying in nature, by expressly reciting that implicitly stated previously. As such, the amendment to claim 1 is likewise not submitted to narrow claim scope.

Also, the Examiner is requested to note newly presented claims 12 and 13, directed to preferred embodiments wherein the composition of an inner layer of the multilayer PSA is defined, based on the disclosure at pages 11-12.

Entry of these amendments is respectfully requested.

It is further noted that the Examiner's "Summary of the Claims" in paragraph 7 is not fully agreed with. For example, in claim 1 it is the outermost layer of the multilayer PSA which comprises the polymer as defined. Also, the Examiner's description of the nature of the foamed structure is incomplete. Applicants do not acquiesce in any interpretation of the claims which is at odds with the plain language thereof, interpreted in light of the underlying disclosure.

In paragraphs 9-12 at pages 4-5, the following prior art rejections were posed:

- Claims 1, 4-6 and 10-11 held to be obvious under 35 USC 103(a) over NITTO DENKO CORPORATION (paragraph 9); and
- Claims 2-3 and 7-9 held to be obvious under 35 USC 103(a) over NITTO DENKO CORPORATION in view of Hartman et al (paragraph 11).

Each of these rejections is respectfully traversed, for the following reasons. Applicants respectfully submit that none of the cited references, alone or in the stated combination, renders obvious the subject matter of any of present claims 1-11. In the following response, the focus will be on independent claims 1 and 6, since if claims 1 and 6 are allowed, their dependent claims 2-5 and 7-11 will be allowed as well.

In the present invention, the layer structure (which employs the polycarbonate-containing PSA as an outermost layer), is an improvement over the prior art because, a specific layer functions to suppress the migration of deleterious materials from the foamed structure to the outermost PSA layer, as described generally on pages 3-4 of the present application. In claim 1, this specific layer is an inner layer (or "subbing layer") of the multi-layer PSA, now expressly

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recited; in claim 6, it is the layer comprising a base material. In contrast, Nitto Denko does not disclose these particular layer structures or their functions, much less the advantages obtained.

Further, these advantageous results are remarkable when the inner layer of claim 1 has a composition different from that of the outermost layer composition, and especially when the inner layer comprises a rubber pressure-sensitive adhesive or acrylic pressure-sensitive adhesive as claimed in new claims 12 (among other suitable adhesives) and 13, and when the base material is selected from the group consisting of a porous base material, plastic film, and metal foil as claimed in claim 8. In contrast to the present invention, the prior art does not disclose the claimed compositions of the inner layer and the base material.

In view of the foregoing, Applicants respectfully submit that none of the stated prior rejections has merit. Accordingly, withdrawal of this rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



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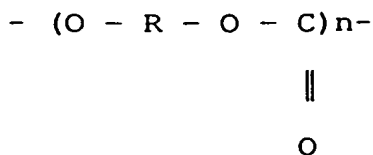
APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Amended) A waterstop sealing material comprising a foamed structure having closed cells or both closed cells and open cells, said foamed structure having two opposing surfaces, and a multi-layer pressure-sensitive adhesive layer provided on [at least one side thereof] the first of said opposing surfaces, said multi-layer pressure-sensitive adhesive layer comprising an inner layer and [as] an outermost layer [a layer made of] comprising a pressure-sensitive adhesive composition containing a polymer having a polycarbonate structure having a repeating unit represented by the following general formula:



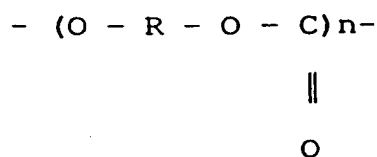
wherein R represents a C₂₋₂₀ straight-chain or branched hydrocarbon group and n represents a positive integer, wherein the inner layer and the outermost layer have different compositions.

2. (Amended) The waterstop sealing material according to claim 1, wherein said foamed structure has [a multi-layer pressure-sensitive adhesive layer provided on at least one side thereof, said multi-layer pressure-sensitive adhesive layer comprising as an outermost layer a layer made of a pressure-sensitive adhesive composition containing a polymer having a polycarbonate structure, and] on the second opposing surface a pressure-sensitive adhesive layer

[made of] comprising a pressure-sensitive adhesive composition different from said pressure-sensitive adhesive composition of said outermost layer. [provided on the other side thereof.]

3. (Amended) The waterstop sealing material according to claim 2, wherein the pressure-sensitive adhesive layer provided on the [side opposite to the side having the multi-layer pressure-sensitive adhesive layer is composed of] second opposing surface comprises a rubber pressure-sensitive adhesive or an acrylic pressure-sensitive adhesive.

6. (Amended) A waterstop sealing material comprising a foamed structure having closed cells or both closed cells and open cells, said foamed structure having two opposing surfaces, and on the first of said opposing surfaces a layer comprising a base material, and, as an outermost layer, a layer [made of] comprising a pressure-sensitive adhesive composition containing a polymer having a polycarbonate structure having a repeating unit represented by the following general formula [provided on at least one side thereof through a base material]:



wherein R represents a C₂₋₂₀ straight-chain or branched hydrocarbon group and n represents a positive integer.

7. (Amended) The waterstop sealing material according to claim 6, wherein said foamed structure has [a layer made of a pressure-sensitive adhesive composition containing a polymer having a polycarbonate structure provided on one side thereof through a base material and] on the second opposing surface a pressure-sensitive adhesive layer [made of] comprising a

pressure-sensitive adhesive composition different from said pressure-sensitive adhesive composition [provided on the other side thereof] of said outermost layer.

9. (Amended) The waterstop sealing material according to claim 6, wherein the pressure-sensitive adhesive layer provided on the [side opposite to the side having the multi-layer pressure-sensitive adhesive layer is composed of] second opposing surface comprises a rubber pressure-sensitive adhesive or an acrylic pressure-sensitive adhesive.

Please add the following new claims:

12. (New) The waterstop sealing material according to claim 1, wherein the inner layer comprises rubber pressure-sensitive adhesive, acrylic pressure-sensitive adhesive, silicone pressure-sensitive adhesive, urethane pressure-sensitive adhesive, vinyl alkyl ether pressure-sensitive adhesive, polyvinyl alcohol pressure-sensitive adhesive, polyvinyl pyrrolidone pressure-sensitive adhesive, polyacrylamide pressure-sensitive adhesive, or cellulose pressure-sensitive adhesive.

13. (New) The waterstop sealing material according to claim 12, wherein the inner layer comprises rubber pressure-sensitive adhesive or acrylic pressure-sensitive adhesive.